

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DERRICK THOMAS,

Petitioner,

v.

9:19-CV-0779  
(GTS/CFH)

KAREN CROWLEY,

Respondent.

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APPEARANCES:

OFFICE OF NOREEN E. McCARTHY  
Counsel for Petitioner  
P.O. Box 756  
Keene Valley, New York 12943

NOREEN E. McCARTHY, ESQ.

HON. LETITIA A. JAMES  
Attorney General for the State of New York  
Counsel for Respondent  
28 Liberty Street  
New York, New York 10005

PRISCILLA I. STEWARD, ESQ.  
Assistant Attorney General

GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

Derrick Thomas (“Petitioner”) filed his petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254 on July 1, 2019. (Dkt. No. 1.) By Report-Recommendation dated March 7, 2023, the Honorable Christian F. Hummel, United States Magistrate Judge, recommended that the Petition be denied and dismissed, and that no certificate of appealability be issued. (Dkt. No. 22.) Petitioner has not filed an objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge

Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Petitioner's Petition is denied and dismissed, and no certificate of appealability shall be issued.

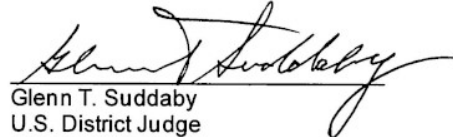
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 22) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Petitioner's Petition for a writ of *habeas corpus* (Dkt. No. 1) is **DENIED** and **DISMISSED**.

**The Court declines to issue a certificate of appealability.**

Dated: March 28, 2023  
Syracuse, New York

  
Glenn T. Suddaby  
U.S. District Judge

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).